

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT FRANK BOYER, :  
Petitioner :  
v. : Case No. 3:23-cv-316-KRG-KAP  
MELISSA HAINSWORTH, WARDEN, :  
S.C.I. LAUREL HIGHLANDS, :  
Respondent :  
:

Memorandum Order

Robert Frank Boyer filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus, ECF no. 6, that I recommended be denied before service, *see* ECF no. 8. A copy was sent to the District Attorney of Somerset County by mail because that office advised that the District Attorney is not a registered ECF user. The District Attorney of Somerset County has a professional responsibility as counsel for the respondent in habeas corpus cases challenging convictions in the Court of Common Pleas of Somerset County to be able to file documents and receive notices by the court's CM/ECF system. Unless the District Attorney will turn this matter over to the Attorney General of Pennsylvania, the District Attorney will have a member of its office appear on the docket as counsel for the respondent forthwith.

Because my mailing of my Report and Recommendation of June 14, 2024 did not match the Department of Correction's purposes full name for petitioner, my mailing was returned. The Clerk's Office remedied that in August, but petitioner is given until October 15, 2024 to file objections if any to my recommendation, pursuant to 28 U.S.C. § 636(b)(1). In the absence of timely and specific objections, any appeal would be severely hampered or entirely defaulted. *See EEOC v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (describing standard of appellate review when no timely and specific objections are filed as limited to review for plain error). Another copy of my R&R is enclosed for petitioner.

DATE: September 27, 2024



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Keith A. Pesto,  
United States Magistrate Judge

Notice by U.S. Mail to:

Robert Frank Boyer NN-5137  
S.C.I. Laurel Highlands  
5706 Glades Pike  
P.O. Box 631  
Somerset, PA 15501

Somerset County District Attorney's Office